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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,456		Vered Hornik	2254-031	2896

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WINSTON & STRAWN
PATENT DEPARTMENT
1400 L STREET, N.W.
WASHINGTON, DC 20005-3502

EXAMINER

BORIN, MICHAEL L

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 03/05/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER	
Michael Borin	
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Please find below a communication from the **EXAMINER** in charge of this application
Commissioner of Patents

Sequence Listing filed 10/11/2002 was approved by STIC for matters of form.

Review of the response to restriction requirement filed 11/20/2001 revealed that the response is inconsistent in several instances.

The election made is ambiguous. First, applicant indicates that product of claims 1-20 is elected (p. 8, last paragraph, of the response). These claims have never been grouped together in the restriction requirement. Then applicant indicates that Group II, drawn to tetrapeptide compounds of formula 3 is elected, with traverse. As the latter Group was a part of the grouping set up in the restriction requirement, election of this Group is considered as a response to the restriction requirement. In regard to the traverse, insofar as applicants have not specifically pointed out the reasons supporting the statement of the traversal, applicants' election is taken to be without traverse. See MPEP 818.03(a). The requirement is still deemed proper and is therefore made FINAL.

More importantly, in regard to election of species, applicant elected compound 70003-20 disclosed in Table 1, p. 27. Applicant indicates that claims reading on said compound are 1-6,29-32, 37-39. Not only the latter set of claims include claims not reading on the elected tetrapeptides (claims 29,31,37,39 are drawn to cyclic pentapeptides, i.e., products of Group III), the elected species are not encompassed even by the claims drawn to cyclic tetrapeptides which are not drawn to peptides wherein R2 is LysC3, R5 is AsnN2 (as in the elected compound 70003-20). Thus there are no claims readable upon the elected species.

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Consequently, the response to restriction/election requirement is considered to be non-responsive.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (703) 305-4506. Dr. Borin can normally be reached between the hours of 8:30 A.M. to 5:00 P.M. EST Monday to Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Woodward, can be reached at (703) 308-4028. The fax numbers for this group are (703) 305-3014 and (703) 308-4242.

Any inquiry of a general nature or relating the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

March 3, 2003

mlb

MICHAEL BORIN, PH.D
PRIMARY EXAMINER



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